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UNCLAS ROME 002652

SIPDIS

STATE PASS USTR  
STATE PASS FTC  
STATE PASS DEPARTMENT OF HOMELAND SECURITY NUALA KELLY  
DEPT FOR EUR/WE, EUR/ERA, EB/CIP

SENSITIVE

E.O. 12958: N/A

TAGS: [ECPS](#) [ETRD](#) [IT](#) [EUN](#)

SUBJECT: ITALY PRIVACY DRAFT EXECUTIVE ORDER WOULD  
REDUCE TIME REQUIRED TO MAINTAIN TELEPHONE DATABASES

THIS MESSAGE IS SENSITIVE BUT UNCLASSIFIED.

[1](#)1. (U) THIS IS AN ACTION REQUEST, SEE PARAGRAPH FIVE.

[1](#)2. (SBU) IN A WORRISOME AND UNEXPECTED DEVELOPMENT, THE GOI HAS ISSUED A LEGISLATIVE DECREE WITH A PROVISION THAT, IF ADOPTED IN ITS CURRENT FORM, WOULD REDUCE THE REQUIREMENT FOR TELECOM COMPANIES TO MAINTAIN TELEPHONE DATABASES FROM FIVE YEARS TO 18 MONTHS. THE OMNIBUS DECREE IS BEFORE THE JUSTICE COMMITTEES OF THE CHAMBER R AND SENATE, WHICH MUST ISSUE OPINIONS, ALTHOUGH NON-BINDING, ON THE DECREE BEFORE JUNE 30. PARLIAMENT, IN A 2001 LAW, MANDATED THE EXECUTIVE BRANCH TO ISSUE PRIVACY-RELATED DECREES, OF WHICH THIS OMNIBUS DECREE IS ONE.

[1](#)3. (SBU) ACCORDING TO OUR CONTACTS IN THE SENATE AND PRESS STORIES, THE SPECIFIC 18 MONTHS MEASURE WAS REPORTEDLY VIGOROUSLY SUPPORTED BY THE ITALIAN PRIVACY AUTHORITY, WHICH HAS RAISED CONCERNS ABOUT THE BIG BROTHER ASPECTS OF A FIVE-YEAR RETENTION RULE. THE AUTHORITY ALSO PURPORTEDLY ARGUED THAT COSTS TO MAINTAIN DATA FOR FIVE YEARS WOULD BE EXCESSIVE. ITALIAN LAW ENFORCEMENT OFFICIALS STRONGLY OPPOSE THIS MEASURE AND IN CONTRAST, HAVE INDICATED THAT THEY WOULD LIKE TO SEE DATA HELD FOR EVEN LONGER PERIODS, POSSIBLY EVEN TEN YEARS.

[1](#)4. (U) AS NOTED ABOVE, THE DECREE, WHICH HAS NOT BEEN PUBLICLY RELEASED, HAS BEEN TRANSMITTED TO THE CHAMBER AND SENATE, WHICH MUST RETURN OPINIONS NO LATER THAN JUNE [1](#)30. ALTHOUGH OPINIONS ARE NON-BINDING, PARLIAMENT, IF IT IT HAS STRONG RESERVATIONS, COULD REQUEST THE EXECUTIVE BRANCH TO REVIEW THE DECREE.

[1](#)5. (SBU) ACTION REQUESTED: EMBASSY BELIEVES THERES A SMALL WINDOW OF OPPORTUNITY TO INFLUENCE THE DEBATE IN PARLIAMENT AND REQUESTS WASHINGTON FOR ASSISTANCE IN DEVELOPING APPROPRIATE TALKING POINTS. INPUT FROM USEU ALSO WOULD BE WELCOME. WE SPECIFICALLY SEE THE VISIT OF NUALA KELLY, CHIEF PRIVACY OFFICER, DEPARTMENT OF HOMELAND SECURITY, ON JUNE 25, AS AN OPPORTUNITY FOR THE USG TO HELP INFLUENCE ITALIAN DECISION-MAKERS, ESPECIALLY IN THE CHAMBER, SENATE AND PRIVACY AUTHORITY, REGARDING THIS DRAFT DECREE.

[1](#)6. (SBU) COMMENT: WE ARE CONCERNED THAT THE PRIVACY AUTHORITY IS LAYING DOWN A MARKER ON PRIVACY ISSUES IN THE LEAD-UP TO ITALYS EU PRESIDENCY. IN A RECENT LETTER TO EU COMMISSIONER PRODI, STEFANO RODOTA, PRESIDENT OF THE ITALIAN DATA COMMISSION, SHARPLY CRITICIZED THE INTERIM PNR AGREEMENT NEGOTIATED BETWEEN THE U.S. AND EU. POST WILL CLOSELY WATCH THE AUTHORITY AND ALERT T WASHINGTON AND USEU SHOULD THE AUTHORITYS RUMBLINGS ABOUT PRIVACY BECOME STRONGER. END COMMENT.  
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